



10-03-02  
536

#3 CPA \$  
3723

Approved for use through 10/31/2002. OMB, C&S 1-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.  
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:  
☐ DUPLICATE

|  |   |                 |
|--|---|-----------------|
| Address to:<br><br>Assistant Commissioner for Patents<br>Box CPA<br>Washington, DC 20231 | Attorney Docket No.<br>of Prior Application | BAM001/134920   |
|  | First Named Inventor                        | David A. Baucom |
|  | Examiner Name                               | R. Watson       |
|  | Group Art Unit                              | 3723            |
|  | Express Mail Label No.                      | EV143327127US   |

10/042758  
100102

This is a request for a ☐ continuation or ☒ divisional application under 37 CFR 1.53(d),  
(continued prosecution application (CPA)) of prior application number 09 / 544,775  
filed on April 7, 2000, entitled Lift and Movement System for Shelving

### NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See Request for Continued Examination Practice changes to and Provisional Application Practice, "Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

- ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 in the prior nonprovisional application.
- ☒ A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - ☐ DELETE the following inventor(s) named in the prior nonprovisional application:  
.....
  - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed
- Information Disclosure Statement (IDS) is enclosed:
  - ☐ PTO-1449
  - ☐ Copies of IDS Citations

RECEIVED

DEC 17 2002

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| CLAIMS  | (1) FOR | (2) NUMBER FILED | (3) NUMBER EXTRA | (4) RATE                      | (5) CALCULATIONS |
|---|---------|------------------|------------------|-------------------------------|------------------|
| TOTAL CLAIMS<br>(37 CFR 1.16(c) or (j))   | 5       | -20* =           | 0                | x \$ _____ =                  | \$ 0             |
| INDEPENDENT CLAIMS<br>(37 CFR 1.16(b) or (i))   | 1       | -3** =           | 0                | x \$ _____ =                  | 0                |
| MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))  |         |                  |                  | + \$ _____ =                  |                  |
|   |         |                  |                  | BASIC FEE<br>(37 CFR 1.16)    | 370              |
|   |         |                  |                  | Total of above Calculations = | 370              |
| Reduction by 50% for filing by small entity (Note 37 CFR 1.27).   |         |                  |                  |                               |                  |
| * Reissue claims in excess of 20 and over original patent.<br>** Reissue independent claims over original patent. |         |                  |                  |                               |                  |
| TOTAL =   |         |                  |                  |                               | 370              |

6. ☒ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 50 - 0897:

- a. ☒ Fees required under 37 CFR 1.16.  
 b. ☒ Fees required under 37 CFR 1.17.  
 c. ☒ Fees required under 37 CFR 1.18.

8. ☒ A check in the amount of \$ 370 is enclosed.9. ☐ Payment by credit card. Form PTO-2038 is attached.10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of \_\_\_\_\_ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.11. ☒ New Attorney Docket Number, if desired BAM001D/134920

(Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.)

12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)13. ☐ Other: \_\_\_\_\_**NOTE:**

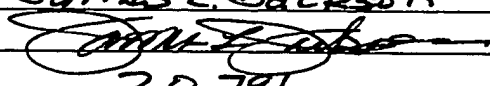
The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

**14. NEW CORRESPONDENCE ADDRESS**☐ Customer Number or Bar Code Labelor ☐ New correspondence address below

(Insert Customer No. or Attach bar code label here)

|         |  |           |              |          |       |
|---------|--|-----------|--------------|----------|-------|
| Name    | James L. Jackson<br>Andrews & Kurth, LLP |           |              |          |       |
| Address | 600 Travis, Suite 4200                   |           |              |          |       |
| City    | Houston                                  | State     | Texas        | Zip Code | 77002 |
| Country | USA                                      | Telephone | 713 220-4728 | Fax      |       |

**15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

|                                   |  |
|-----------------------------------|--|
| Name (Print IType)                | James L. Jackson   |
| Signature                         |  |
| Registration No. (Attorney/Agent) | 20,791   |
| Date                              | 10/1/02  |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Continuation application of: David A. BAUCOM

Serial No. Not yet assigned

Filed: October 1, 2002

For: Pneumatic Lift and Movement System  
for Shelving

Group No.: 3723

Examiner: Watson, R.

Attorney's Docket No.: BAM001C/134920

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

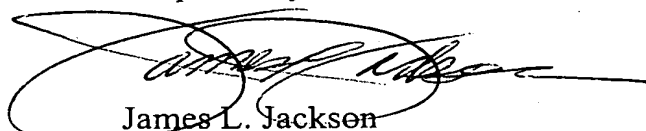
STATUS INQUIRY LETTER

Dear Sir:

This continuation application claiming priority from USSN 09/09/544.775 was filed on October 1, 2002 and Applicant's preliminary amendment was filed on October 1, 2002. A copy of the continuation application as filed is submitted herewith together with a copy of the Express Mail Receipt and stamped returned postcard. Please advise when applicant can expect to receive the filing receipt and initial office action.

I am the: ☐ Applicant  
☐ Assignee of record of the entire interest. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_  
☒ Attorney or agent of Record.

Respectfully submitted,



James L. Jackson  
Registration No. 20,791

Andrews & Kurth, L.L.P.  
600 Travis, Suite 4200  
Houston, Texas 77002-2778  
713/220-4728 (office)  
713/238-7343 (facsimile)

Date: 2/19/03, 2003  
Customer No. 23,444

(Status Inquiry [9-3] - page 1 of 2)

16800 U.S. PTO



100102

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Continuation  
Application of:

Baucom

Serial No.:

Not Yet Assigned

Date Filed:

October 1, 2002

For: Pneumatic Lift and Movement System for  
Shelving

Group No.:

3723

Priority

09/544.775

Claim:

Examiner:

Watson, R.

16800 U.S. PTO

10/042758



100102

CERTIFICATE OF EXPRESS MAIL  
Under 37 CFR 1.10

Date of Mailing:

February 19, 2003

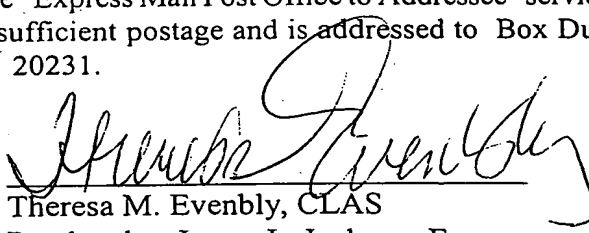
Express Mailing Label No.

EV143327396US

I hereby certify that this correspondence containing:

1. Status Inquiry Letter
2. Copy of the Continuation Application as filed on October 1, 2002 under Express Mailing Label No. EV143310912US, together with a copy of the transmittal and stamped returned postcard evidencing OIPE receipt.
3. No fees are believed to be due in connection with this filing. However, the Commissioner is hereby authorized to charge any fee deficiencies and/or credit any fee overpayment to Andrews & Kurth, Deposit Account No. 50-0897 (134920/BAM001C).
4. Postcard to be stamped and returned acknowledging receipt of this request.

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. Sec. 1.10 on the date indicated above with sufficient postage and is addressed to Box Duplicate; Assistant Commissioner for Patents, Washington, DC 20231.

  
Theresa M. Evenbly, CLAS

Paralegal to James L. Jackson, Esq.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|  |                  |            |            |
|--|------------------|------------|------------|
| In re Divisional Application of:           | Baucom           |            |            |
| Serial No.:                                | Not Yet Assigned | Group No.: | 3723       |
| Date Filed:                                | October 1, 2002  | Priority   | 09/544.775 |
|  |                  | Claim:     |            |
| For: Lift and Movement System for Shelving |                  | Examiner:  | Watson, R. |


CERTIFICATE OF EXPRESS MAIL  
Under 37 CFR 1.10

Date of Mailing: February 19, 2003  
Express Mailing Label No. EV143327405US

I hereby certify that this correspondence containing:

1. Status Inquiry Letter
2. Copy of the Divisional Application as filed on October 1, 2002 under Express Mailing Label No. EV143327127US, together with a copy of the transmittal and stamped returned postcard evidencing OIPE receipt.
3. No fees are believed to be due in connection with this filing. However, the Commissioner is hereby authorized to charge any fee deficiencies and/or credit any fee overpayment to Andrews & Kurth, Deposit Account No. 50-0897 (134920/BAM001D).
4. Postcard to be stamped and returned acknowledging receipt of this request.

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. Sec. 1.10 on the date indicated above with sufficient postage and is addressed to Box Duplicate; Assistant Commissioner for Patents, Washington, DC 20231.

  
Theresa M. Evenbly, CLAS  
Paralegal to James L. Jackson, Esq.